

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JULIE ROSAS,

Plaintiff,

vs.

DESERT PALACE, INC., a Nevada corporation  
d/b/a CAESARS PALACE LAS VEGAS et al.,

Defendants.

Case No. 2:14-CV-02190-RFB-GWF

**ORDER**

This matter is before the Court on Plaintiff's Motion to Extend Time to Serve Summons and Complaint on Defendant Germann Brizuela and to Serve Defendant by Publication (#26), filed on March 31, 2015.

Plaintiff requests an extension of 60 days to serve Defendant Brizuela by publication. Courts have broad discretion to extend time for service under Fed. R. Civ. P. 4(m). *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2003). Plaintiff attaches the affidavit of Kevin R. Smith, a process server, which discusses the difficulties in serving the Defendant despite Mr. Smith's best efforts. Based on Mr. Smith's affidavit, the Court finds that the Plaintiff has exercised due diligence in attempting to personally serve the Defendant. Good cause therefore exists to grant the extension.

Plaintiff believes that the Defendant is actively evading service. Plaintiff contacted the Defendant via his work phone, and the Defendant admitted he was aware of the lawsuit. The parties arranged to meet at 3549 Industrial Road, Las Vegas, NV at 10:00 a.m. on March 26, 2015, in order to serve the Defendant. When Plaintiff's process server arrived at the site, the security guard indicated he was not familiar with the Defendant. An alternative address was discovered, and the process server spoke with the Defendant on the phone at this location. The Defendant

1 refused to exit the building to accept service, instead instructing the server to take the papers to  
2 Caesar's Palace. Counsel for Caesar's Palace informed the process server that she is not authorized  
3 to accept service for Defendant Brizuela. Subsequent phone calls to the Defendant have not been  
4 answered and messages have not been returned. Nevada Rule of Civil Procedure 4(e)(1) permits  
5 service by publication when the party to be served "by concealment seeks to avoid the service of  
6 summons." Plaintiff has reasonably shown that Defendant Brizuela is actively avoiding service.  
7 Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Extend Time to Serve Summons  
9 and Complaint on Defendant Germann Brizuela and to Serve Defendant by Publication (#26) is  
10 **granted.**

11 **IT IS FURTHER ORDERED** that Plaintiff shall publish the summons and complaint at  
12 least once a week for four (4) consecutive weeks in a newspaper of general circulation published in  
13 Clark County, Nevada. Plaintiff must also mail by U.S. Postal Service a copy of the summons and  
14 complaint to Defendant Brizuela's last known residence pursuant to N.R.S. 4(e)(1)(iii). Service by  
15 publication must be complete by **May 31, 2015.**

16 **DATED** this 2nd day of April, 2015.

17  
18   
19 GEORGE FOLEY, JR.  
20 United States Magistrate Judge  
21  
22  
23  
24  
25  
26  
27  
28